

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Raul Cebollero,

Case No. 22-cv-1871 (NEB/DTS)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

SCI Albion SCIA Psychiatrics  
Department, et al.,

Defendants.

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In a letter dated July 25, 2022, the Clerk of Court directed plaintiff Raul Cebollero to pay the filing fee for this matter or to apply for in forma pauperis (IFP) status within 15 days, failing which this matter could be dismissed without prejudice for failure to prosecute. See Docket No. 2. That deadline has now passed, and Cebollero has not paid the filing fee or applied for IFP status. In fact, Cebollero has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the prior warning earlier given to Cebollero, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

Dated: September 8, 2022

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).